

ESTTA Tracking number: **ESTTA765689**

Filing date: **08/19/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	New York Yankees Partnership
Granted to Date of previous extension	08/21/2016
Address	Executive Offices, Yankee Stadium One East 161st St. Bronx, NY 10451 UNITED STATES
Attorney information	Mary L. Kevlin/Timothy J. Buckley Cowan, Liebowitz & Latman, P.C. 114 West 47th St. New York, NY 10036 UNITED STATES tjb@cll.com, mlk@cll.com, tay@cll.com, njh@cll.com, trademark@cll.com

### Applicant Information

Application No	86669626	Publication date	02/23/2016
Opposition Filing Date	08/19/2016	Opposition Period Ends	08/21/2016
Applicant	Buffalo Wild Wings, Inc. Suite 1600 Minneapolis, MN 55416 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Consumer loyalty services for commercial, promotional, and/or advertising purposes, namely, administration of a consumer loyalty program in connection with restaurant services
Class 043. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Restaurant services

### Grounds for Opposition

Other	Please see attached pleading.
Attachments	Notice of Opposition - LEGENDS CLUB.pdf(227926 bytes )

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by First Class Mail on this date.

Signature	/Timothy J. Buckley/
Name	Timothy J. Buckley
Date	08/19/2016



Cowan, Liebowitz & Latman, P.C.  
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August 19, 2016

**By Electronic Filing**

Commissioner for Trademarks  
Attn: TTAB  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: New York Yankees Partnership  
Notice of Opposition Against  
Buffalo Wild Wings, Inc.  
Application to register LEGENDS CLUB  
Ref. No. 21307-033

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/669,626 published in the Official Gazette on February 23, 2016. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$600 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Timothy J. Buckley/  
Timothy J. Buckley

Enclosures

cc: Ms. Diane Kovach (w/encs.)  
Mary L Kevlin, Esq. (w/encs.)  
Richard S. Mandel, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 86/669,626  
Filed: June 22, 2015  
For Mark: LEGENDS CLUB  
Published in the Official Gazette: February 23, 2016

-----X  
NEW YORK YANKEES PARTNERSHIP,

Opposer,

v.

BUFFALO WILD WINGS, INC.,

Applicant.  
-----X

Opposition No.

**NOTICE OF OPPOSITION**

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Opposer, New York Yankees Partnership, an Ohio limited partnership, with offices at Executive Offices, Yankee Stadium, One East 161<sup>st</sup> Street, Bronx, New York 10451 (“Opposer”), believes that it will be damaged by registration of the standard character word mark LEGENDS CLUB (“Applicant’s Mark”) for “Consumer loyalty services for commercial, promotional, and/or advertising purposes, namely, administration of a consumer loyalty program in connection with restaurant services” in International Class 35 and “Restaurant services” in International Class 43, as shown in Application Serial No. 86/669,626 (the “Application”), and having been granted extensions of time to oppose up to and including August 21, 2016, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned NEW YORK YANKEES MAJOR LEAGUE BASEBALL club (the “Yankees”). Located in Tampa, Florida, LEGENDS FIELD was the name of the Spring Training ballpark of the Yankees and the home stadium of the Yankees’ Minor League affiliate, the TAMPA BAY YANKEES, from 1996 to 2008. Although the stadium was renamed George M. Steinbrenner Field after the Yankees’ owner in 2008, the LEGENDS FIELD ballpark remains alive in the history and identity of the Yankees. For example, the Yankees continues to operate the LEGENDS ROOM Team Store at George M. Steinbrenner Field, the Yankees’ largest memorabilia store in the Southeastern United States. The Yankees also continue to operate the LEGENDS SUITE, a suite that offers first-class accommodations for spectators of the Yankees’ baseball games, and the LEGENDS SUITE CLUB, a fine-dining restaurant and entertainment venue, located at the YANKEE STADIUM ballpark, the Yankees’ home stadium located in the Bronx, New York.

2. Since long prior to June 22, 2015, Applicant’s constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark LEGENDS, alone or with other word, letter and/or design elements (“Opposer’s LEGENDS Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, restaurant and bar services; retail store services featuring an array of merchandise; providing facilities for entertainment, awards dinners, press conferences, weddings, and holiday parties; apparel; sporting goods; and paper goods and printed matter.

3. Since long prior to June 22, 2015, Applicant’s constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in

connection with Opposer's LEGENDS Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, restaurant and bar services; retail store services featuring an array of merchandise; providing facilities for entertainment, awards dinners, press conferences, weddings, and holiday parties; apparel; sporting goods; and paper goods and printed matter, and have offered such goods and rendered such services in commerce.

4. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's LEGENDS Marks, Opposer has built up highly valuable goodwill in Opposer's LEGENDS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

5. On June 22, 2015, Applicant filed the Application for Applicant's Mark for "Consumer loyalty services for commercial, promotional, and/or advertising purposes, namely, administration of a consumer loyalty program in connection with restaurant services" in Class 35 and "Restaurant services" in Class 43, based on an intent to use.

6. Upon information and belief, Applicant did not use Applicant's Mark for the services covered by the Application in United States commerce prior to its constructive first use date of June 22, 2015.

7. The services covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's LEGENDS Marks.

8. The LEGENDS portion of Applicant's Mark is identical to Opposer's LEGENDS Marks.

9. The CLUB portion of Applicant's Mark has been disclaimed as descriptive and is also a term that could refer to the Yankees and/or its stadium clubs.

10. Applicant's Mark so resembles Opposer's LEGENDS Marks as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposers in this proceeding Mary L. Kevlin, Richard S. Mandel and Timothy J. Buckley (members of the bar of the State of New York) and the firm Cowan, Liebowitz and Latman, P.C., 114 West 47<sup>th</sup> Street, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York  
August 19, 2016

Respectfully submitted,

COWAN LIEBOWITZ and LATMAN, P.C.  
Attorneys for Opposer

By: /Timothy J. Buckley/

Mary L. Kevlin  
Richard S. Mandel  
Timothy J. Buckley  
114 West 47<sup>th</sup> Street  
New York, New York 10036  
(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 19, 2016, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of record, John Pickerill, Esq., Fredrikson & Byron, 200 South 6th Street, Suite 4000, Minneapolis, Minnesota 55402-1425.

/Timothy J. Buckley/  
Timothy J. Buckley